

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

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

May 12, 2000

RECEIVED

MAY 15 2000

**OFFICE OF PROFESSIONAL
MEDICAL CONDUCT**

Frederick A. Rapoport, Physician
61 Cowdin Circle
Chappaqua, New York 10514

Re: Application for Restoration

Dear Dr. Rapoport:

Enclosed please find the Commissioner's Order regarding Case No. 00-64-60 which is in reference to Calendar No. 17203. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

Gustave Martine
Supervisor

cc: William Wood, Jr., Esq.
Wood & Scher
Harwood Building
14 Harwood Court, Suite 512
Scarsdale, New York 10583

The University of the State of New York
Education Department



IN THE MATTER

of the

Application of FREDERICK A.
RAPOPORT for restoration of his
license to practice as a physician in
the State of New York.

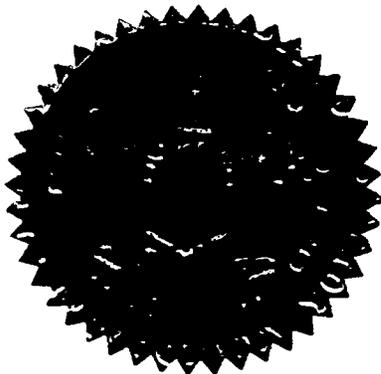
Case No. 00-64-60

It appearing that the application of FREDERICK A. RAPOPORT, 61 Cowdin Circle, Chappaqua, New York 10514, to surrender his license to practice as a physician in the State of New York, was granted by the State Board for Professional Medical Conduct effective December 24, 1992, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on April 4, 2000, it is hereby

ORDERED that the petition for restoration of License No. 141961, authorizing FREDERICK A. RAPOPORT, to practice as a physician in the State of New York, is denied, but that the order accepting the surrender of said license is stayed for five years, and he is placed on probation for a period of five years under specified terms and conditions. Upon successful completion of this probationary period, the license of FREDERICK A. RAPOPORT to practice as a physician in the State of New York shall be fully restored.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New
York for and on behalf of the State Education
Department, do hereunto set my hand and affix the
seal of the State Education Department, at the City
of Albany, this 27th day of April, 2000.


Commissioner of Education



Case No. 00-64-60

It appearing that the application of FREDERICK A. RAPOPORT, 61 Cowdin Circle, Chappaqua, New York 10514, to surrender his license to practice as a physician in the State of New York, was granted by the State Board for Professional Medical Conduct effective December 24, 1992, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on April 4, 2000, it was

VOTED that the petition for restoration of License No. 141961, authorizing FREDERICK A. RAPOPORT to practice as a physician in the State of New York, be denied, but that the order accepting the surrender of said license is stayed for five years, and he is placed on probation for a period of five years under specified terms and conditions. Upon successful completion of this probationary period, the license of FREDERICK A. RAPOPORT to practice as a physician in the State of New York shall be fully restored.

Case Number 00-64-60
February 14, 2000

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: **Frederick A. Rapoport**

Attorney: William Wood, Jr.

Frederick Rapoport, 61 Cowdin Circle, Chappaqua, New York 10514, petitioned for restoration of his physician license. The chronology of events is as follows:

04/25/80	Issued license number 141961 to practice medicine in New York State.
11/13/92	Charged with professional misconduct by Department of Health.
11/13/92	Submitted Application to Surrender License.
12/11/92	State Board for Professional Medical Conduct accepts Application to Surrender License.
12/24/92	Effective date of surrender.
05/06/96	Submitted application for restoration of physician license.
10/09/98 & 12/09/98	Peer Committee restoration review.
09/29/99	Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
02/14/00	Report and recommendation of the Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached Application to Surrender License.) On November 13, 1992, Dr. Rapoport applied to surrender his license, stating that he did not contest the four specifications of professional misconduct charged by the State Board for Professional Medical Conduct. He was charged with negligence on more than one occasion for treating three cancer patients with medication in an inappropriate manner and with failing to maintain records for those three patients. On December 11, 1992, the State Board for Professional Medical Conduct accepted Dr. Rapoport's

Application to Surrender License, and the surrender became effective December 24, 1992.

On May 6, 1996, Dr. Rapoport applied for restoration of his physician license.

Recommendation of Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jordan) convened on October 9 and December 9, 1998. In its report dated September 29, 1999, the Committee unanimously recommended that the surrender be stayed and that Dr. Rapoport be placed on probation for five years under specified terms, attached to its report and labeled Exhibit "A." The recommended probationary terms would restrict his practice to a multiperson or institutional setting under on-site supervision and require him to undergo therapy with quarterly reports submitted by his therapist.

Recommendation of the Committee on the Professions. On February 14, 2000, the Committee on the Professions (Ahearn, Muñoz, Earle) met with Dr. Rapoport to consider his application for restoration. William Wood, Jr., his attorney, accompanied him. Prior to the meeting Mr. Wood had submitted a letter, dated January 28, 2000, summarizing the evidence that had been presented to the Peer Committee and which he felt had been considered by that committee in arriving at its recommendation.

The Committee asked Dr. Rapoport to discuss the underlying facts that led to the surrender of his license. He replied, "My goal has always been to be the best possible doctor I could be." He reported that his father had been a general practitioner for 50 years and had served as a model for him. He explained that he treated many terminal cancer patients and always wanted to give them the best possible medical care while addressing their psychosocial needs. Dr. Rapoport said that if the patients couldn't be cured, he would try to keep them at home and out of the hospital for as long as possible. He indicated that he had a "Type A personality with compulsive-obsessive traits," which enabled him to do comprehensive testing and provide good technical care for his cancer patients. Dr. Rapoport said, however, that he now realizes that he allowed his patients to dictate the amount of time they spent with him and allowed himself to be on call at any time, even terminating his answering service so that he could deal with the patients more directly. He reported that he had given chemotherapy treatments in patients' homes when they couldn't get to the hospital, and transported a patient to the hospital himself. He said that he discovered, through therapy, that this compulsive behavior was bad for him, and, therefore, not beneficial to his patients.

The Committee asked Dr. Rapoport to focus on the time period prior to the surrender of his license. He said that in 1990 the hospital raised questions about the quality of his patient records. He indicated that as he was spending more and more time with his patients, he had less time to maintain adequate records. Dr. Rapoport reported that about three to six years prior to 1990, he was getting more and more depressed and more anxious but was "not aware of my illness." He said that in 1991 he voluntarily stopped practicing after engaging in intensive psychotherapy with pharmacology. He reported that he was diagnosed as "having a serious depression with an underlying obsessive-compulsive disorder." Dr. Rapoport told the Committee, "Little by little, I was gradually slipping into an attempt to meet all patient needs." Mr. Wood interjected that

Dr. Rapoport's colleagues at the hospital, and even former colleagues, would always call upon the doctor to treat their relatives or patients because Dr. Rapoport was respected and would never refuse to see them.

The Committee asked Dr. Rapoport to explain what was different now. He replied that he has learned how he "got into this mess" and now realizes that there is always someone else to whom he could refer patients. He said, "I have insight. To be a good doctor, what I thought and what I really need to do are two separate things. You don't have to accept referrals from everyone. When you're off-call, you're off-call." Dr. Rapoport said that he now understands that he doesn't "have to be their savior to be a good doctor."

Dr. Rapoport told the Committee that he started a business in Hong Kong and even though there have been many demands upon him, he has had the ability to say, "No." He indicated that he felt this newfound ability to be "very empowering." He said that he has learned that business can be done during the day and that every afternoon he takes a walk up a mountain with his friend for two and one-half hours. Dr. Rapoport stated, "Now, looking back, things I did seem absurd, ridiculous."

The Committee asked why being in Hong Kong and away from his family for twenty days a month was not a stressful situation. He replied that he is now controlling his life better and is using the insight he gained from his prior illness. Dr. Rapoport said that he did not want to be away from his family but realized that he had to do something financially to assist them. He reported that he is now taking less control of the daily business operations so that he can spend more time with his family. He said that he plans to have only an advisory role in the future. He indicated that he feels the key to his current success has been his ability to manage stressful situations. Dr. Rapoport said that he found his daily walks to be "physically and mentally invigorating." He stated that in Hong King, you could work around the clock but he felt that the daily walks gave him "an end point for the day."

The Committee asked Dr. Rapoport to discuss the charges that resulted in the surrender of his license. He replied that the hospital told him to limit his practice as his records were poor and they felt he was doing too much. He said that he couldn't follow their directions and stopped practicing. Dr. Rapoport reported that the Office of Professional Medical Conduct focused on three patients, all of whom were acutely ill, in pain, and expected to live only a few weeks. He told the Committee that his records did not accurately reflect his treatment of the patients and didn't reflect his thinking or discussions with family members as to why he was administering certain drugs. He reported that these patients were treated by a team of professionals with differing expertise and that his poor notes provided little assistance to other members of the team in their treatment plans. Dr. Rapoport said that he often used "nonstandard protocols" with these terminal patients and should have provided justification in the hospital records whenever he departed from standard procedure. He indicated that he failed to write down pertinent information even though all the procedures he utilized were acceptable procedures documented in the literature. He explained that he failed to clearly document his thinking and consultation with others.

The Committee noted that the record reflected he had adopted a family from another country even though he had indicated that he did not have sufficient money to purchase professional journals and questioned why he did this. He responded that he could read journals in the library but felt that adopting the family would be a good lesson for his family, at a cost of only a few hundred dollars a year. He reported that he did this through the Catholic Church, even though he was not Catholic. Dr. Rapoport said that it was a family effort and that his children taught the other family English. He stated, "It was very good for the whole family."

The Committee asked Dr. Rapoport about his current plans. He replied that he has learned a lot from his experiences in Hong Kong. He said, "I learned I am a doctor. It's what I want to do. With insight, I feel I can do it." He told the Committee that he would like to practice internal medicine in a hospital or large group setting and would never have a solo practice again. He said that he would limit the amount of night calls to two or three sessions a week. Additionally, he indicated that he would like to teach medical students. Dr. Rapoport said that he is now "personally, very aware" of the boundaries that he must not cross. He indicated that he has a very good support system with his wife, children, father and doctor and feels that he would never again put himself in the type of situations that led to the loss of his license.

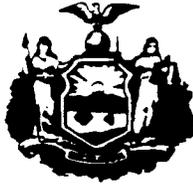
The Committee on the Professions (COP) agrees with the conclusion of the Peer Committee that Dr. Rapoport "clearly demonstrated his remorse for his past misconduct" and that he has "shown considerable efforts and progress in the area of rehabilitation." The COP found that Dr. Rapoport's responses to their questions were credible and forthright and demonstrated a clear understanding of the underlying causes of his misconduct and the steps he has taken to make certain the misconduct would not recur were his license restored. Nonetheless, the COP agrees with the Peer Committee that the underlying causes of the misconduct warrant his reentry into practice under probationary restrictions. The COP accepts the assessment of the Peer Committee that he has remained "current in the field of medicine." The COP finds that Dr. Rapoport presented a compelling case for the restoration of his license.

Therefore, after a complete review of the record and its interview with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that the order of surrender of Dr. Rapoport's license to practice medicine in the State of New York be stayed for five years, that he be placed on probation for five years under the terms and conditions attached to the Report of the Peer Committee and labeled as Exhibit "A," and that upon successful completion of the probationary period, Dr. Rapoport's physician license be fully restored.

Kathy A. Ahearn, Chair

Frank Muñoz

Steven Earle



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

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In the Matter of the Application of

FREDERICK A. RAPOPORT, M.D.

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 17203**

for the restoration of his license to
practice as a physician in the State of
New York.

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FREDERICK A. RAPOPORT, hereinafter referred to as the applicant, was previously licensed to practice as a physician in the State of New York by the New York State Education Department. The applicant surrendered his license in disposition of a professional misconduct proceeding and has applied for restoration of this license.

On October 9, and December 9, 1998 this Peer Committee of the State Board for Medicine convened to review this matter and make the following recommendation to the Committee on the Professions and the Board of Regents.

BACKGROUND INFORMATION

The written application, supporting papers provided by the applicant and papers resulting from the investigation conducted by the Office of Professional Discipline (OPD) have been compiled by

the prosecutor from OPD into a packet that has been distributed to this Peer Committee in advance of its meeting and also provided to the applicant.

Listed below is the background information from that packet and the information contained in the applicant's submissions on the day of the meeting. Further details pertaining to these documents may be found therein.

PRIOR DISCIPLINE PROCEEDING

Action by the State Board for Professional Medical Conduct

November 13, 1992 - The applicant executed his application to surrender his license.

December 11, 1992 - The Department of Health, State Board for Professional Medical Conduct adopted the application of the applicant to surrender his license to practice as a physician in the State of New York.

December 24, 1992 - Effective date of the Order of the State Board for Professional Medical Conduct. The applicant did not contest the four specifications of professional misconduct.

Applicant had been charged with four specifications of misconduct. First specification, negligence on more than one occasion, second through fourth specifications, failure to maintain records.

Nature of Misconduct

Applicant had been charged with committing negligence on more than one occasion in regard to each of those patients who had been

under his care, during various time periods, while applicant had been on duty as a physician at the Presbyterian Hospital. In each case applicant had been charged with failing to appropriately evaluate the patient and/or failed to note said evaluation and had also provided inappropriate medical treatment, as specified in the statement of charges.

Petition for Restoration

The applicant submitted an application to the Board of Regents on May 6, 1996, requesting restoration of his license, in which he describes the activities which constituted his misconduct, states that he remains regretful and remorseful over his behavior and conduct, and explains the circumstances of his life prior to and after the surrender of his license.

Applicant states that on July 31, 1991, he had ceased to practice medicine at the Columbia Presbyterian Medical Center. Applicant states that he had been suffering for several years from "...a progressively severe depression probably related to [his] style of practice."

Applicant also stated said depression was so severe that "[he] was suicidal at times and had encountered extreme and overwhelming anxiety, sleeplessness and weight loss."

Applicant states that when he was served with the statement of Charges alleging negligence and failure to maintain appropriate records relating to the several patients, he was unable, because of his severe depression, to defend against the allegations of misconduct and as a result surrendered his license effective

December 22, 1992.

Applicant states that he and his psychiatrist, Dr. Gaylin agreed that he should devote himself to full time therapy. Initially applicant was placed on tranquilizers and then Elavil and Ativan and eventually higher doses of Prozac with Valium. Applicant is currently on Prozac and Luvox.

Applicant states that he was initially in therapy 2 to 3 times per week.

The applicant describes his life following the surrender of his license. He explains that he has spent a great deal of time and effort in attempting to begin an outpatient health care delivery system, for the Asia/Pacific region, comparable to the level of care that he had previously provided to his patients in the United States.

Applicant states that notwithstanding the stress caused by his being away from home he has been able to maintain a strong family life with the help, understanding and strength of his wife and children.

Applicant states that he is applying for restoration of his license "...because [he] needs it to feel like a whole person again."

Applicant states that at the moment he has no plan to practice medicine if his license is restored, but would like to teach internal medicine, hematology and oncology.

Applicant does hope to consider returning to the practice of medicine but would not consider practicing oncology again.

Attachments to the Petition

Chronological list of activities since professional schools.
Supporting affidavits from the following individuals.

- Esta Rapoport, applicants wife.
- Dr. Sheldon Gaylin, M.D., applicants treating psychiatrist.
- Dr. Byron M. Thomashow, M.D., Columbia Presbyterian Medical Center, from colleague of applicant Polly Collier.
- Daughter of patient treated by applicant.
- Dr. Daniel C. Burnes, M.D., friend of applicant.

INVESTIGATION BY OPD

Subsequent to the filing of the instant application, OPD conducted an investigation for the purposes of this proceeding. Information from that investigation, including reports from the investigators and other documentation, was made part of the packet for the proceeding. Included in the information from that packet not previously referred to in this report were:

An investigator's case summary, which contains the following additional salient information:

October 10, 1996 OPD interview with applicant in which applicant stated at the time of the disciplinary action it was difficult to see the written charges against him, but in looking back at the situation he now understands the charges against him.

Applicant further stated that he has kept up to date with medical developments by scrupulously attending grand rounds at the Hong Kong and Queen Mary Hospitals and by reading current medical journals.

PEER COMMITTEE

On October 9 and December 9, 1998 this Peer Committee met to consider this matter. The applicant appeared before us personally and was represented by William L. Wood, Esq. Present also was Stephen J. Lazzaro, Esq., an attorney from the Division of Prosecutions, OPD.

The applicant made an oral presentation to this Committee. He informed us that he continues to pursue his medical business opportunities in Hong Kong although progress has been slower than expected. Applicant states that he spends about 20 days a month in Hong Kong and spends the remainder of his time home with his family.

Applicant continues in therapy although on a reduced basis but remains in phone contact with his therapist on a regular basis.

Applicant states that he now realizes that because of his own compulsive obsessive disorder he should not have been treating patients and that was "...a terrible thing to do".

Applicant stated that his "...whole life was dedicated to trying to make [his] patients better" and he now understands that "...when you yourself are sick, it is bad for [patients] and bad for the doctor."

As to the issue of rehabilitation applicant states that he has spent the last eight years in intensive therapy and believes that while his illness may not be cured it is under control.

Applicant believes that he knows what to look for to maintain

control and is willing to listen to his family and to his doctor.

Applicant believes that he has stayed current in the practice of medicine by reading medical journals and by attending approximately 200 grand rounds in Hong Kong.

In closing Mr. Lazzaro, while raising various issues for the panel to consider, took no position on the issue of application before us.

RECOMMENDATION

In reaching our recommendation, this Peer Committee has considered the entire record in this proceeding, including the investigative packet, the statements made before us, and the submissions made by the applicant the day of our meeting.

In reaching our recommendation, we have considered the three major criteria considered in restoration proceedings - remorse, rehabilitation, and reeducation.

Both in the materials provided in advance of the hearing and in the applicant's presentation before us, the applicant has clearly demonstrated his remorse for his past misconduct. He has expressed his understanding of what he did wrong and his contrition for those acts.

We further find that applicant has shown considerable efforts and progress in the area of rehabilitation. We are particularly impressed that while applicant may have his disorder under control he well understands that continued control is dependent upon continued therapy and the strong support of his wife and family.

We also find, in light of applicants lengthy and impressive prior professional career, applicant remains current in the field of medicine.

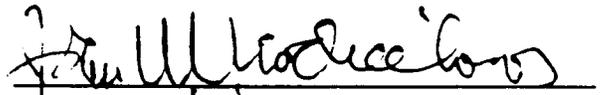
Notwithstanding our findings in regard to applicants progress in the area of rehabilitation, we do have concerns that, given the nature of applicants disorder, any return to the practice of medicine must be accompanied by a lengthy and highly structured period of probation.

Accordingly, it is the unanimous recommendation of this Peer Committee that the surrender of the applicant's license to practice medicine in the State of New York be stayed and that the applicant be placed on probation for a period of five years under the terms of probation attached hereto, made a part hereof, and marked as Exhibit "A", and that upon successful completion of those terms of probation, the applicant's license then be fully restored.

Respectfully submitted,

DR. JOHN CORDICE, M.D.

LOIS JORDAN, PUBLIC MEMBER


Chairperson

Dated

9/29/8

EXHIBIT "A"

TERMS OF PROBATION
OF THE PEER COMMITTEE

FREDERICK A. RAPOPORT, M.D.

CALENDAR NO. 17203

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
2. That applicant shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, NY 10016-5802, of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That applicant shall, at respondent's expense, undergo therapy during the period of probation and submit quarterly reports from respondent's therapist to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid, in which said therapist shall state whether respondent is continuing therapy and shall also state whether respondent is progressing in said therapy. If any information is received by the New York State Education Department indicating that respondent is not continuing therapy, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Education Department and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents;
4. That respondent shall have quarterly performance reports submitted to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid, from his employer, evaluating his performance as a physician in his place of employment, said reports to be prepared by respondent's supervisor or employer;
5. That the applicant, during the period of probation, shall only practice the profession of medicine in a multiperson practice (not a single practice) or in an institutional setting; and in either case, there must be on site supervision of the applicant by a licensed physician when the applicant is present. During the period of probation, any practice by the applicant of the profession of medicine must be limited to the above described situations.

6. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation.
7. That applicant shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
8. That applicant shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring respondent's terms of probation to assure compliance therewith, and respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
9. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

December 17, 1992

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED RETURN-RECEIPT REQUESTED

Frederic Alan Rapoport, M.D.
Department of Medicine
Columbia-Presbyterian Hospital
161 Ft. Washington Avenue
New York, New York 10032-3713

RE: License No. 141961

Dear Dr. Rapoport:

Enclosed please find Order #BPMC 92-113 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: T. Lawrence Tabak, Esq.
Goldsmith, Tabak and Richman, P.C.
747 Third Avenue
New York, New York 10017

Roy Nemerson, Esq.

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

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IN THE MATTER :

OF :

ORDER

FREDERIC ALAN RAPOPORT, M.D. :

BPMC 92-113

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Upon the Application of FREDERICK ALAN RAPOPORT, M.D. (Respondent) to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

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 Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and 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:

11 December 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.

Chairperson

State Board for Professional
Medical Conduct

Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

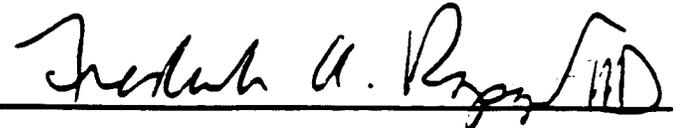
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specifications of professional misconduct set forth in the charges.

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

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.



FREDERICK ALAN RAPOPORT, M.D.
Respondent

Sworn to before me this
13th day of November, 1992



NOTARY PUBLIC

T. LAWRENCE TABAK
NOTARY PUBLIC OF NEW YORK
NO. 31-4885058
Qualified in New York County
Commission Expires August 5, 1993

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

IN THE MATTER

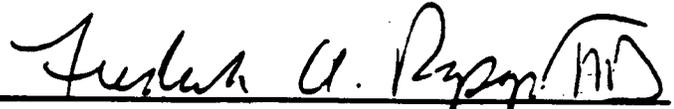
OF

FREDERICK ALAN RAPOPORT, M.D.

: APPLICATION
:
: SURRENDER
:
: LICENS
:
:-----

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

Date: November 13, 1992



FREDERICK ALAN RAPOPORT, M.D.
Respondent

Date: November 13, 1992



T. LAWRENCE TABAK, ESQ.
Attorney for Respondent

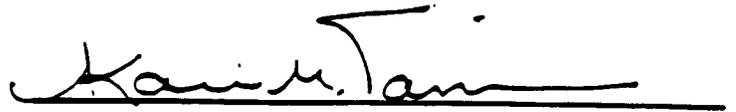
Date: Nov 27, 1992



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

FREDERICK ALAN RAPOPORT, M.D.

Date: dec. 16, 1992



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 11 December 1992



CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

EXHIBIT "A"

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

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IN THE MATTER : STATEMENT
OF : OF
FREDERICK ALAN RAPOPORT, M.D. : CHARGES

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FREDERICK ALAN RAPOPORT, M.D., the Respondent, was authorized to practice medicine in New York State on April 25, 1980 by the issuance of license number 141961 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, 1991 through December 31, 1992.

FACTUAL ALLEGATIONS

- A. Between on or about March 2, 1989 and March 25, 1989, Respondent treated Patient A at Presbyterian Hospital for the Patient's noted diagnosis of adenocarcinoma of the lung with involvement of the mediastinal lymph node, elevated CEA value, and metastases to bone and liver. (Patients are identified in Appendix A, attached.)
1. Respondent failed to appropriately evaluate this patient and/or failed to note such evaluation.

2. Respondent treated this patient with Vincristine, Cytosin, and VP-16, in an inappropriate manner.
- B. Between on or about May 9, 1990 and June 8, 1990, Respondent treated Patient B at Presbyterian Hospital for the Patient's noted diagnosis of extensive local lung cancer.
1. Respondent failed to appropriately evaluate this patient and/or failed to note such evaluation.
 2. Respondent treated this patient with CBDCA, radiotherapy, VP-16, and Decadron, in an inappropriate manner.
- C. Between on or about January 11, 1989 and February 22, 1989, Respondent treated Patient C at Presbyterian Hospital for the Patient's noted diagnosis of metastatic lung carcinoma.
1. Respondent failed to appropriately evaluate this patient and/or failed to note such evaluation.
 2. Respondent treated this patient with VP-16, Leucovorin, and 5 Fluorouracil, in an inappropriate manner.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law section 6530(3) (McKinney Supp. 1992) by practicing the profession of medicine with negligence on more than one occasion in that Petitioner charges two or more of:

1. The facts in Paragraphs A and A1 and/or A2, B and B1 and/or B2, and/or C and C1 and/or C2.

SECOND THROUGH FOURTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law section 6610(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

2. The facts in Paragraph A and A1;
3. The facts in Paragraph B and B1;

4. The facts in Paragraph C and C1.

DATED: Albany, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct