



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

June 14, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jerald Lee Sisk, M.D.
15797 Fortune Court
Brighton, CO 80601

RE: License No. 169696

EFFECTIVE DATE JUNE 21, 1993

Dear Dr. Sisk:

Enclosed please find Order #BPMC 93-84 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.

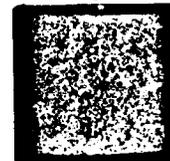
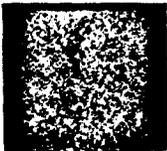
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

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



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

-----X

IN THE MATTER :

OF :

ORDER

JERALD LEE SISK, M.D. :

BPMC 93-84

-----X

Upon the application of JERALD LEE SISK, M.D.

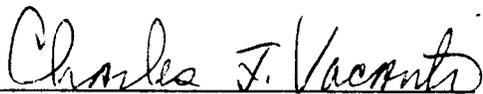
(Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application 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 Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 3 June 1993


Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
JERALD LEE SISK, M.D. : CONSENT
: ORDER
-----X

STATE OF COLORADO)
COUNTY OF *Garfield*) ss.:

JERALD LEE SISK, M.D., being duly sworn, deposes and says:
That on or about March 25, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 169696 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York. My last registered address was Box B, Rifle, Colorado, 81650.

I understand that the New York State Board of Professional Medical Conduct has charged me with one specification of professional misconduct.

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

I admit guilt to the Specification in full satisfaction of the charges against me.

I hereby agree to the following penalty: my license to practice medicine in New York State shall be suspended for a period of two years, with such suspension being stayed. During the period of suspension, I shall comply with the Terms of Probation set out in Exhibit "B".

I hereby 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; and such denial 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Gerald Lee Sisk M.D.

JERALD LEE SISK, M.D.
RESPONDENT

Sworn to before me this
7th day of MAY , 1993.

Isabel M. Venegas
NOTARY PUBLIC

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
JERALD LEE SISK, M.D. : CONSENT
: ORDER
-----X

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

Date: 5-7-93 Jerald Lee Sisk M.D.
JERALD LEE SISK, M.D.
RESPONDENT

Date: 6/2/93 Michael A. Hiser
MICHAEL A. HISER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: 6/10/93 Kathleen M. Tanner
KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 3 June 1993 Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JERALD LEE SISK, M.D. : CHARGES

-----X

JERALD LEE SISK, M.D., the Respondent, was authorized to practice medicine in New York State on March 25, 1987, by the issuance of license number 169696 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. His last registered address was Box B, Rifle, Colorado, 81650.

FACTUAL ALLEGATIONS

A. By Formal Complaint dated October 6, 1988, the State Board of Medical Examiners of the State of Colorado ("Colorado Board") instituted disciplinary proceedings regarding the Respondent's license to practice medicine in the State of Colorado. The Formal Complaint alleged that Respondent had engaged in conduct during his treatment of seven patients between 1982 and 1985 that, together and in combination, constituted two or more acts or omissions which failed to meet

generally accepted standards of medical practice, in violation of the provisions of §12-36-117(1)(p), Colorado Revised Statutes (C.R.S.) (1985).

B. By Stipulation and Order effective June 2, 1989, facts relative to two patients were agreed upon. Based on those facts, among others, the Respondent's Colorado license to practice medicine was placed on probation for a period of two years, pursuant to Section 12-36-118(5)(g)(III), C.R.S. (1985). Prior to entering into the period of probation, Respondent was required to complete a Board-approved residency program in the field of anesthesiology at the New York Medical College, and for the term of his probation practiced only in that specialty field. Respondent was also required to be monitored in his practice of anesthesiology during the term of his probation.

C. By letter dated September 19, 1991, the Colorado Board released Respondent's Colorado license from the restrictions of the Stipulation and Order.

D. Respondent's conduct, as described in the Stipulation and Order, was the conduct that resulted in the disciplinary action imposed on the Respondent's Colorado medical license by the duly authorized disciplinary agency of Colorado. That conduct would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, N.Y. Educ. Law §§6530(3) (practicing the profession with negligence on more than one occasion); 6530(4)

(practicing the profession with gross negligence on a particular occasion); 6530(5) (practicing the profession with incompetence on more than one occasion), and/or 6530(6) (practicing the profession with gross incompetence).

SPECIFICATION OF CHARGES

HAVING DISCIPLINARY ACTION TAKEN AGAINST
RESPONDENT BY A DULY AUTHORIZED PROFESSIONAL
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with having disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(5)(d)], in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and D.

DATED: Albany, New York
April 27, 1993



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

EXHIBIT "B"

TERMS OF PROBATION

1. JERALD LEE SISK, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of his employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent now practices in the field of anesthesiology in Colorado. Should Respondent relocate his practice of medicine to the State of New York, Respondent will be limited to the practice of anesthesiology. Should Respondent relocate his practice of medicine to New York State during the course of this probation, Respondent's practice of medicine will be subject to monitoring, at the discretion of the Director of the Office of Professional Medical Conduct, for the balance of the term of probation or one year, whichever is longer. Such monitoring, if required, will be done by a monitor who shall be a physician, licensed in New York State, who practices anesthesiology in New York State. The monitor shall be proposed by Respondent, and will be subject to the approval of the Director.
4. In the discretion of the Director of the Office of Professional Medical Conduct, Respondent's practice of medicine shall be monitored by a physician monitor, board certified in anesthesiology, ("practice monitor") approved in advance, in writing, by the Director of the Office of Professional Medical Conduct. Respondent may not practice medicine until an approved practice monitor and monitoring program is in place. Any practice of medicine prior to the submission and approval of a proposed practice monitor will be determined to be a violation of probation.
 - a. The practice monitor shall report in writing to the Director of the Office of Professional Medical Conduct or her designee, on a schedule to be determined by the Office. The practice monitor shall visit Respondent's medical practice at each and every location, on a random

basis and shall examine a random selection of records maintained by Respondent, including patient histories, prescribing information and billing records. Respondent will make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall immediately be reported to the Office of Professional Medical Conduct by the monitor.

- b. Any change in practice monitor must be approved in writing, in advance, by the Office of Professional Medical Conduct.
 - c. All expenses associated with monitoring, including fees to the monitoring physician, shall be the sole responsibility of the Respondent.
 - d. It is the responsibility of the Respondent to ensure that the reports of the practice monitor are submitted in a timely manner. A failure of the practice monitor to submit required reports on a timely basis will be considered a possible violation of the terms of probation.
 - e. Respondent must maintain medical malpractice insurance coverage with limits no less than \$2 million dollars per occurrence and \$6 million dollars per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director or her designee prior to the placement of a practice monitor.
5. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent 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 Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
6. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, 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 or 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;

7. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.