



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

December 12, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mary Lizanne Fox, M.D.
26 Forest Hills Road
Wayland, MA 01788

Re: License No. 152914

Dear Dr. Fox:

Enclosed please find Order #BPMC 03-341 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 19, 2003.

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 the 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: W. Scott Liebert, Esq.
The Chatham Center
29 Crafts Street, Suite 500
Newton, MA 02460

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

IN THE MATTER

SURRENDER

OF

ORDER

**MARY LIZANNE FOX, M.D.
CO-03-09-4166-A**

BPMC No. 03-341

MARY LIZANNE FOX, M.D., says:

On or about January 7, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 152914 by the New York State Education Department. I currently reside at 26 Forest Hill Road, Wayland, MA 01788.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications 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, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

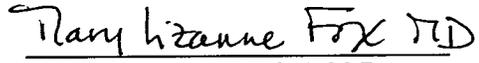
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same 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 first.

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

Date: December 4, 2003

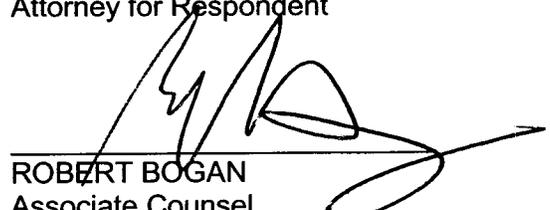

MARY LIZANNE FOX, M.D.
Respondent

AGREED TO:

Date: 12/4, 2003


SCOTT LIEBERT, ESQ.
Attorney for Respondent

Date: 08 December, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 08 December, 2003


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
MARY LIZANNE FOX, M.D.
CO-03-09-4166-A

STATEMENT
OF
CHARGES

MARY LIZANNE FOX, M.D., the Respondent, was authorized to practice medicine in New York state on January 7, 1983, by the issuance of license number 152914 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 28, 2002, the Commonwealth of Massachusetts, Board of Registration and Medicine, (hereinafter "Massachusetts Board"), by a Letter of Agreement, (hereinafter "Massachusetts Agreement 1"), imposed conditions on Respondent and her practice of medicine, based on substance abuse illness.

B. On or about July 9, 2003, the Massachusetts Board, by a Voluntary Agreement Not to Practice Medicine (hereinafter "Massachusetts Agreement 2"), required Respondent not to practice medicine until the Massachusetts Board takes final action regarding a complaint that Respondent violated a condition of Massachusetts Agreement 1, set forth in Paragraph A above.

C. On or about October 15, 2003, the Massachusetts Board, by a Consent Order, (hereinafter "Massachusetts Order") indefinitely suspended Respondent's license to practice medicine, based on violating Massachusetts Agreement 1 and placing into question her competence to practice medicine.

D. The conduct resulting in the Massachusetts Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability);
3. New York Education Law §6530(8) (being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice); and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having her license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A, B, C, and/or D.

DATED: *Nov. 17*, 2003
Albany, New York


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

ORDER

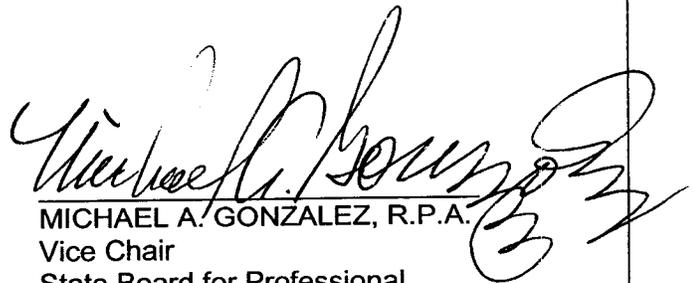
Upon the proposed agreement of **MARY LIZANNE FOX, M.D.**, to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of the 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/11, 2003



MICHAEL A. GONZALEZ, R.P.A.

Vice Chair

State Board for Professional
Medical Conduct