

**NEW YORK**  
state department of  
**HEALTH**

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

February 15, 2013

Susan M. Berg, Esq.  
37 Walnut Street, Suite 200  
Wellesley, Massachusetts 02481

**Re: In the Matter of Richard F. Salluzzo, M.D.**

Dear Ms. Berg:

I am in receipt of your correspondence dated January 3, 2013, indicating that Dr. Salluzzo intends to return to the practice of medicine in the State of New York. As you are aware, your client, Dr. Salluzzo is subject to the New York State Board for Professional Medical Conduct Order No. 12-195, effective September 28, 2012. The aforementioned Order states, in part;

“Should Respondent return to the practice of medicine in the State of New York or in any jurisdiction where that practice is predicated upon Respondent’s New York State medical license, Respondent shall provide ninety (90) days notice in writing to the Director, OPMC. The Director, in his sole discretion, may impose whatever limitations, or further conditions, he deems appropriate.”

Please advise Dr. Salluzzo that he shall be subject to the conditions set forth in Attachment I effective February 6, 2013. I would then ask that you contact my office at (518) 402-0855 and confirm that Dr. Salluzzo has been so advised.

Sincerely,

**REDACTED**

Keith W. Servis  
Director  
Office of Professional Medical Conduct

Enclosure

## ATTACHMENT I

### CONDITIONS

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of these Conditions and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, Suite 355, 150 Broadway, Albany, New York 12204 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
- 3) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of these Conditions. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 4) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 5) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
- 6) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 7) Respondent shall enroll, or continue enrollment, in the Committee for Physician Health (CPH) for a period of five (5) years and shall engage in a contract with CPH that defines the terms, conditions and duration of Respondent's recovery program. Respondent shall comply with the contract. Respondent shall give written authorization for CPH to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Respondent is in

compliance with the contract and with this Order, including full access to all records maintained by CPH will respect to Respondent.

- a) Respondent shall ensure that CPH submits quarterly reports to OPMC certifying that Respondent is in compliance with treatment, or detailing Respondent's failure to comply.
  - b) Respondent shall cause CPH to report to OPMC promptly if Respondent refuses to comply with the contract, refuses to submit to treatment or if Respondent's impairment is not substantially alleviated by treatment.
  - c) Respondent shall cause CPH to report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.
- 8) Respondent shall enroll in and complete a continuing medical education course in the area of ethics within one (1) year of the date these Conditions take effect.
  - 9) Respondent shall comply with these Conditions and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation proceeding, and/or any other such proceeding authorized by law, against Respondent.