



**Board for Professional Medical Conduct**

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

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

C. Maynard Guest, M.D.  
Executive Secretary

October 5, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Robert A. Fox, M.D.  
Suite 2C  
Two Summit Place  
Branford, CT 06405

RE: License No. 149737  
Effective Date: 10/12/93

Dear Dr. Fox:

Enclosed please find Order #BPMC 93-155 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 12237-0756

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

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IN THE MATTER :  
OF : ORDER  
ROBERT A. FOX, JR., M.D. : BPMC # 93-155

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Upon the Application of Robert A. Fox, Jr., M.D. (Respondent) to Surrender his 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

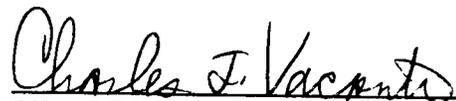
ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

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: 30 September 1993



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



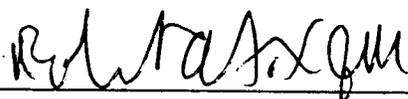
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the First and Second specification of professional misconduct as set forth in the charges, to the extent that I admit that my conduct in Connecticut would constitute violations of N.Y. Education Law §§6530(2) and 6530(32).

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.



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ROBERT A. FOX, JR., M.D.  
Respondent

Sworn to before me this  
16<sup>th</sup> day of Sept , 1993



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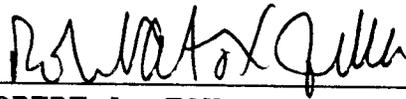
NOTARY PUBLIC

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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
ROBERT A. FOX, JR., M.D. : LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender his license.

Date: Sept 16, 1993

  
ROBERT A. FOX, JR., M.D.  
Respondent

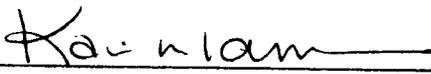
Date: Sept 16, 1993

  
EARL WILLIAMS, Esq.  
Counsel for Respondent

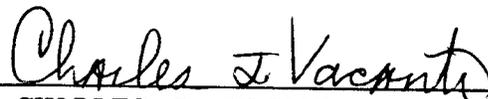
Date: Sept. 24, 1993

  
MICHAEL A. HISER  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: Oct. 1, 1993

  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

Date: 30 September, 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

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IN THE MATTER : STATEMENT  
OF : OF  
ROBERT A. FOX, JR., M.D. : CHARGES

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ROBERT A. FOX, JR., M.D., the Respondent, was authorized to practice medicine in New York State on April 16, 1982 by the issuance of license number 149737 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last known registered address was Suite 2C, Two Summit Place, Branford, Connecticut 06405.

FACTUAL ALLEGATIONS

A. By Summary Suspension Order dated March 17, 1992, Respondent's license to practice medicine in the State of Connecticut was summarily suspended pending a final determination by the Connecticut Medical Examining Board, the duly authorized disciplinary agency of the State of Connecticut, ("Connecticut Board") of allegations that Respondent violated provisions of Connecticut law relating to the practice of medicine. The basis for the Summary Suspension Order was that

the public health, safety or welfare of the citizens of the State of Connecticut was in clear and immediate danger.

B. By its Final Decision, dated August 20, 1992, and the Findings of Fact and Conclusions of Law stated therein, the Connecticut Board found Respondent to have violated provisions of Connecticut law governing the practice of medicine. The Final Decision states, among other things, that:

1. Respondent admitted that between approximately January 1991 and February 1992, Respondent inappropriately prescribed for himself one or more of the following drugs: morphine sulfate, injectable; Dilaudid, injectable; Dilaudid tablets; Methadone; and/or Percocet; all in violation of Connecticut General Statutes §20-13(c)(4) and (5).
2. Respondent admitted that between approximately January 1991 and February 1992, Respondent abused or misused one or more of the following drugs: morphine sulfate, injectable; Dilaudid, injectable; Dilaudid tablets; methadone, and/or Percocet; all in violation of Connecticut General Statutes §20-13(c)(3), (4) and/or (5).
3. Respondent admitted that between approximately January 21 and February 1992, he failed to properly document the storing of maintaining of one or more of the following: morphine sulfate injectable; Dilaudid injectable; Dilaudid tablets; Methadone; and/or Percocet; all in violation of Connecticut General Statutes §§20-13(c)(4) and 21(a)-254.

C. Based on the Findings of Fact and Conclusions of Law, the Connecticut Board ordered Respondent's license placed on probation for three years from August 20, 1992, the effective date of the order. Numerous terms of probation were also imposed, including a prohibition from Respondent using or

obtaining alcohol for personal use or controlled substances for personal use (except as prescribed by a physician); a continuation of Respondent's psychiatric treatment; a request that Respondent undergo an independent psychiatric evaluation; and that Respondent undertake urine screening for alcohol and all controlled substances at least once a week.

D. On or about March 16, 1993, Respondent entered into an Interim Consent Order, pursuant to which his license to practice medicine and surgery in the State of Connecticut was voluntarily suspended for 90 days. The basis for the Interim Consent Order was Respondent's violation of the terms of probation set forth in the Final Decision, including the term prohibiting Respondent from using alcohol or drugs. The Interim Consent Order was subsequently extended for another 90 days, on the same terms, on or about June 15, 1993.

E. Respondent's conduct, as described in paragraphs A through D, above, would, if committed in New York State, constitute professional misconduct under the laws of New York State, in particular, New York Education Law §6530(2) (practicing the profession fraudulently), §6530(3) (negligence on more than one occasion), §6530(4) (gross negligence on a particular occasion), §6530(5) (incompetence on more than one occasion), §6530(6) (gross incompetence), §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability or mental disability), §6530(29) (violating the terms

of probation), and §6530(32) (failing to maintain a record for each patient, accurately reflecting the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF IMPROPER  
PROFESSIONAL PRACTICE OR PROFESSIONAL  
MISCONDUCT BY A DULY AUTHORIZED DISCIPLINARY  
AGENCY OF ANOTHER STATE

Respondent is charged with 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, within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1993) in that Petitioner charges:

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

SECOND SPECIFICATION  
HAVING DISCIPLINARY ACTION TAKEN 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) in that Petitioner charges:

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

DATED: Albany, New York  
*September 10, 1993*

*Peter D. Van Buren*  
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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct