



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

January 7, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alexander Frocht, M.D.
36 Olola Avenue
Vaulcuse, New South Wales 2030
Australia

Re: License No. 145995

Dear Dr. Frocht:

Enclosed please find Order #BPMC 04-02 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect January 14, 2004.

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

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

IN THE MATTER
OF
ALEXANDER FROCHT, M.D.
CO-03-08-1377-A

SURRENDER
ORDER
BPMC No. 04-02

ALEXANDER FROCHT, M.D., says:

On or about May 8, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 145995 by the New York State Education Department. I currently reside at 36 Olola Avenue, Vaulcuse, New South Wales 2030, Australia.

I am 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 seventeen (17) 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 seventeen (17) 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: _____, 2003


ALEXANDER FROCHT, M.D.
Respondent

AGREED TO:

Date: 2 January, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 5 January, 2003


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of **ALEXANDER FROCHT, M.D.**, to Surrender his 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: 1/7, 2004


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
ALEXANDER FROCHT, M.D.
CO-03-08-1377-A

STATEMENT
OF
CHARGES

ALEXANDER FROCHT, M.D., the Respondent, was authorized to practice medicine in New York state on May 8, 1981, by the issuance of license number 145995 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 16, 2001, the New South Wales Medical Board, Australia (hereinafter "NSW Board"), by an Inquiry (hereinafter "NSW Inquiry 1"), imposed conditions on Respondent's practice of medicine, to include, but not limited to, that his authority to prescribe, possess or administer S8 drugs be withdrawn; that he not self-administer Schedule 4D drugs or narcotic derivatives unless ordered by a treating practitioner; that he not prescribe for self medication; that he attend urinalysis; treatment by a psychiatrist, general practitioner, and neurologist, based on inappropriate prescribing and use of narcotics to himself, inappropriate prescribing of narcotics to patients resulting in a patient's overdose and hospitalization, depression, and an episode where he could not get out of bed and slashed his hands.

B. On or about October 26, 2001, the NSW Board, by an Inquiry (hereinafter "NSW Inquiry 2"), suspended Respondent's practice of medicine for an initial period of eight (8) months, based on failure to comply with the conditions imposed by NSW Inquiry 1, described in Paragraph A above, e.g. his controlled personal administration of narcotics to himself, his failure to adhere to the drug screening protocol, habitual use of large amounts of narcotics obtained from different prescriptions to obtain the large amounts, and depression.

C. On or about April 31, 2002, Respondent prepared and submitted a New York State Physician Profile, to the New York State Health Department, wherein he falsely answered "No" to question, "12. Licensee Actions, continued, B. Out-of-State Licensee Actions, Have any

actions been taken against you, except those that remain confidential pursuant to law, as a result of professional misconduct proceedings by any other state or licensing entity within the past 10 years?"

D. On or about June 7, 2002, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by an Accusation, charged Respondent with professional misconduct, based on NSW Inquiry 1 and 2.

E. On or about June 25, 2002, Respondent prepared and submitted a New York State Physician Profile, to the New York State Health Department, wherein he falsely answered "No" to question, "12. Licensee Actions, continued, B. Out-of-State Licensee Actions, Have any actions been taken against you, except those that remain confidential pursuant to law, as a result of professional misconduct proceedings by any other state or licensing entity within the past 10 years?"

F. On or about October 10, 2002, Respondent prepared and submitted a Registration Renewal Document to the New York State Education Department, wherein he falsely answered "No" to question, "2. Since your last registration application," "b. Has any licensing or disciplinary authority revoked, annulled, canceled, accepted surrender of, suspended, placed on probation, or refused to issue or renew a professional license or certificate held by you now or previously, or fined, censured, reprimanded or otherwise disciplined you?" and "d. Are charges pending against you in any jurisdiction for any sort of professional misconduct?"

G. On or about March 5, 2003, the California Board, by a Default Decision and Order (hereinafter "California Order"), revoked the Respondent's Physician and Surgeon's Certificate and assessed \$364.00 costs, based on the conclusions set forth in NSW Inquiry 1 and 2, that Respondent has been self-administering morphine, inappropriately prescribing narcotics and benzodiazepines to a patient that resulted in an overdose and hospitalization of the patient, and *inter alia* failure to comply with the terms of the NSW Board's order set forth in NSW Inquiry 1.

H. The conduct resulting in the California Board's 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence);
5. New York Education Law §6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics or other drugs having a similar effect);
6. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness); and/or
7. New York Education Law §6530(29) (violating any term of probation or condition or limitation imposed on the licensee).

SPECIFICATIONS

FIRST, SECOND, AND THIRD SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A, B, and/or C;
2. The facts in Paragraphs A, B, D and/or E;
3. The facts in Paragraphs A, B, D, and/or F.

FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

4. The facts in Paragraphs A, B, G, and/or H.

FIFTH SPECIFICATION

Respondent violated New York Education Law §6530(4) by practicing the profession with gross negligence, in that Petitioner charges:

5. The facts in Paragraphs A, B, G, and/or H.

SIXTH SPECIFICATION

Respondent violated New York Education Law §6530(5) by practicing the profession with incompetence on more than one occasion, in that Petitioner charges:

6. The facts in Paragraphs A, B, G, and/or H.

SEVENTH SPECIFICATION

Respondent violated New York Education Law §6530(6) by practicing the profession with gross negligence, in that Petitioner charges:

7. The facts in Paragraphs A, B, G, and/or H.

EIGHTH SPECIFICATION

Respondent violated New York Education Law §6530(7) by practicing the profession while impaired by drugs or mental disability, in that Petitioner charges:

8. The facts in Paragraphs A, B, D, G, and/or H.

NINTH SPECIFICATION

Respondent violated New York Education Law §6530(8) by being Respondent on or a habitual user of narcotics or other drugs having similar effects, in that Petitioner charges:

9. The facts in Paragraphs A, B, D, G, and/or H.

TENTH 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 or 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:

10. The facts in Paragraphs A, B, D, G, and/or H.

ELEVENTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his 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 other disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

11. The facts in Paragraphs A, B, D, G, and/or H.

TWELTH, THIRTEENTH, AND FOURTEENTH SPECIFICATIONS

Respondent violated New York State Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

12. The facts in Paragraphs A, B, and/or C;
13. The facts in Paragraphs A, B, D, and/or E;
14. The facts in Paragraphs A, B, D, and/or F.

FIFTEENTH, SIXTEENTH, AND SEVENTEENTH SPECIFICATIONS

Respondent violated New York State Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that Petitioner charges:

15. The facts in Paragraphs A, B, and/or C;
16. The facts in Paragraphs A, B, D, and/or E;
17. The facts in Paragraphs A, B, D, and/or F.

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


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