

NEW YORK  
state department of  
**HEALTH**

Public

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

Sue Kelly  
Executive Deputy Commissioner

March 4, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

James R. Frede, M.D.

REDACTED

Re: License No. 256199

Dear Dr. Frede:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-58. This order and any penalty provided therein goes into effect March 11, 2013.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.**

**If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED  
Katherine A. Hawkins, 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

BPMC No. 13-58

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IN THE MATTER

SURRENDER

OF

ORDER

**JAMES R. FREDE, M.D.**  
**CO-12-06-3173-A**

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Upon the application of **JAMES R. FREDE, M.D.**, (Respondent), to Surrender his license to practice medicine in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

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

ORDERED, that this Surrender Order shall be effective upon issuance by the Board, either by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender of License or by certified mail to Respondent's attorney, or upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 3/4/2013

REDACTED

CARMELA TORRELLI

Vice-Chair

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  
OF  
JAMES FREDE, M.D.  
CO-12-06-3173-A

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SURRENDER  
OF  
LICENSE

**JAMES FREDE, M.D.**, (Respondent), representing that all of the following statements are true, deposes and says:

That on or about February 11, 2010, I was licensed to practice medicine in the State of New York and issued license number 256199 by the New York State Education Department.

My current address is REDACTED

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license to practice medicine in the State of New York on the grounds that I do not contest the two (2) Specifications.

I ask the Board to accept the surrender of my license, and I agree to be bound by all of the terms set forth in attached Exhibit "B."

I understand that if the Board does not accept my Surrender of License none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Surrender of License shall not be used against me in any way and shall be kept in strict confidence; and

the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts the surrender of my license, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that the Surrender Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender Order, this Surrender of License, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department of Health, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed Surrender of License and Surrender Order, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

Date: 2-22, 2013

REDACTED

JAMES FREDE, M.D.  
Respondent

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

Date: \_\_\_\_\_, 2013

REDACTED

\_\_\_\_\_  
JOEL ABELOVE

Associate Counsel

Bureau of Professional Medical Conduct

Date: 3/1 \_\_\_\_\_, 2013

REDACTED

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KEITH W. SERVIS

Director, Office of Professional

Medical Conduct

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IN THE MATTER  
OF  
JAMES FREDE, M.D.  
CO-12-06-3173-A

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STATEMENT  
OF  
CHARGES

JAMES FREDE, M.D., Respondent, was authorized to practice medicine in New York state on February 11, 2010, by the issuance of license number 256199 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 14, 2012, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, (hereinafter "Illinois Board"), by a Consent Order (hereinafter "Illinois Order"), inter alia, INDEFINITELY SUSPENDED Respondent's medical license, based on his issuing prescriptions for non-controlled substances for patients over the internet.

B. The conduct resulting in the Illinois Medical 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(3) (practicing the profession with negligence on more than one occasion);
2. New York Education Law §6530(5) (practicing the profession with incompetence on more than one occasion);
3. New York Education Law §6530(32) (failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient).

**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 findings 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 and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension and/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 and/or B.

DATED: *Jan. 10*, 2013  
Albany, New York

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