



Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

July 24, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jean Robert Richard, M.D.
27 Iroquois Avenue
Oakland, New Jersey 07436

RE: License No. 160999
Effective Date: 07/31/95

Dear Dr. Richard:

Enclosed please find Order #BPMC 95-154 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

cc: Amy T. Kulb, Esq.
Jacobson & Goldberg
585 Stewart Avenue
Garden City, New York 11530

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
JEAN ROBERT RICHARD, M.D.

CONSENT
ORDER
BPMC #95-154

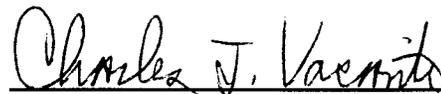
Upon the application of JEAN ROBERT RICHARD, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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 by certified mail, whichever is earliest.

SO ORDERED.

DATED: 18 July 1995



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

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

IN THE MATTER
OF
JEAN ROBERT RICHARD, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF *Nassau*) ss.:

JEAN ROBERT RICHARD, M.D., being duly sworn, deposes and says:

That on or about December 17, 1984, I was licensed to practice as a physician in the State of New York, having been issued License No. 160999 by the New York State Education Department.

My current address is 27 Iroquois Ave., Oakland, N.J.07436, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First and Second Specifications, in full satisfaction of the charges against me. I hereby agree that I shall be ordered to perform five hundred hours of public service within two years of the effective date of this Order (at least two hundred and fifty of which are to be performed within the first year) in a manner and at a time and place as directed by the Board.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an

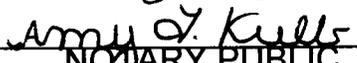
admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

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



JEAN ROBERT RICHARD, M.D.
RESPONDENT

Sworn to before me this
6th day of July, 1995


NOTARY PUBLIC

AMY V. KULL
NOTARY PUBLIC, State of New York
No. 0000004720
Qualified in Business County
Commission Expires October 17, 1996

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

IN THE MATTER
OF
JEAN ROBERT RICHARD, M.D.

APPLICATION
FOR
CONSENT ORDER

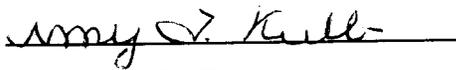
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE:

July 6, 1995 

JEAN ROBERT RICHARD, M.D.
Respondent

DATE:

July 5, 1995 

AMY KULB, ESQ.
Attorney for Respondent

DATE:

July 10, 1995 

MARCIA E. KAPLAN
Attorney for the
Bureau of Professional
Medical Conduct

DATE: 7/13/95

[Signature]

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 18 July 1995

[Signature]

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

IN THE MATTER
OF
JEAN ROBERT RICHARD, M.D.

STATEMENT
OF
CHARGES

JEAN ROBERT RICHARD, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 17, 1984, by the issuance of license number 160999 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 12, 1993, the New Jersey Board of Medical Examiners (N.J. Board) issued a Consent Order ordering Respondent not to engage in the practice of medicine in New Jersey until such time as he appears at his request for a personal status conference before a committee of the N.J. Board. The N.J. Board issued the Order upon finding that Respondent committed repeated acts of negligence and professional misconduct, grounds for disciplinary action under N.J.S.A. 45:1-21(d), based upon findings made by the New York State Commissioner of Social Services in September 1992 that Respondent failed to maintain records necessary to fully disclose the necessity for and the nature and extent of services he ordered, that he caused the submission of claims for medical care, services or supplies provided at a frequency or in an amount not medically necessary, and that he ordered medical services, particularly laboratory tests, that were substantially in excess of the clients' needs. If committed in New York, this conduct would constitute professional misconduct under N.Y. Educ. Law Sec. 6530 (3) (practicing with negligence on more than one occasion), 6530(32) (failing to

maintain a record for each patient which accurately reflects the evaluation and treatment of the patient), and/or 6530(35) (ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient).

- B. In or about September 1992, the Commissioner of Social Services of the State of New York, through his designee, after a hearing, issued a decision affirming the Department's determination to exclude Respondent from the Medicaid program in New York for five years and ordering restitution of a \$62,129 overpayment upon finding Respondent to have committed unacceptable practices and caused Medicaid overpayments in violation of 18 N.Y.C.R.R. Section 518.3(b) in that he failed to establish that his charts consistently document medical necessity for medical services, and in violation of N.Y.C.R.R. Section 540.7(a)(8) in that he failed to maintain health and financial records which fully substantiated the extent of care, services and supplies provided to Medicaid recipients; he caused the submission of claims for medical care, services or supplies provided at a frequency or in an amount not medically necessary; and he ordered medical services, particularly laboratory tests, that were substantially in excess of the clients' needs. These violations would constitute professional misconduct under N.Y. Educ. Law Sec. 6530(3) (practicing with negligence on more than one occasion), 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient), and/or 6530(35) (ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF MISCONDUCT IN NEW JERSEY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1995) by having been found guilty of improper professional practice of 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, as alleged in the facts of:

1. Paragraph A.

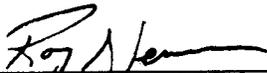
SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY IN AN ADJUDICATORY PROCEEDING OF VIOLATING A STATE REGULATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(c) (McKinney Supp. 1995) by having been found guilty in an adjudicatory proceeding of violating a state regulation, pursuant to a final decision or determination, and when no appeal is pending, and when the violation would constitute professional misconduct pursuant to this section, as alleged in the facts of:

2. Paragraph B.

DATED: June 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct