

May 20, 2014

Frank Thomas Pollaro, M.D.

REDACTED

Re: In the Matter of Frank Thomas Pollaro, M.D.

Dear Dr. Pollaro:

Pursuant to BPMC Order No. 14-05, issued on January 7, 2014, you were to obtain an evaluation by an evaluator specializing in sexual disorders. The Order states further that, "I shall be subject to whatever limitations, or further conditions the Director, in his reasonable discretion, may impose pursuant to the findings of the evaluation report."

An evaluation was conducted by Behavioral Medicine Institute (BMI) on February 19-21, 2014. Among the recommendations of the report by BMI, are that Respondent "utilize chaperones especially when treating patients within the patient's home," and "have periodic polygraphs every 6 months for one year and then every 6 months annually thereafter as an additional monitoring tool."

I have considered the recommendations issued by the BMI. In light of the Director's authority to impose further conditions, in his reasonable discretion, pursuant to the findings of the evaluation report, I hereby impose the following conditions:

#### CHAPERONE

- 1) Respondent shall, in the course of practicing medicine in New York State, examine and treat any patient only in the presence of a chaperone, while treating/examining patients within their home. The chaperone shall be a licensed or registered health care professional or other health care worker, shall not be a family member, personal friend, or be in a professional relationship with Respondent which could pose a conflict with the chaperone's responsibilities. The chaperone shall be proposed by Respondent and subject to the written approval of the Director of OPMC. This requirement shall be effective 30 days after receipt of this letter by Respondent, or 37 days after mailing of same by certified mail to Respondent.
- 2) Prior to the approval of any individual as chaperone, Respondent shall cause the proposed chaperone to execute and submit to the Director of OPMC an acknowledgment of the chaperone's agreement to undertake all of the responsibilities of the role of chaperone. Said acknowledgment shall be made upon a form provided by and acceptable to the Director.

Respondent shall provide the chaperone with a copy of the Order and all of its attachments and shall, without fail, cause the approved chaperone to:

- a) Report quarterly to OPMC regarding the chaperoning of Respondent's practice.
- b) Report within 24 hours any failure of Respondent to comply with the Order, including, but not limited to, any failure by Respondent to have the chaperone present when required, or any inappropriate conduct, whether verbal or physical, by Respondent in the presence of any patient.
- c) Confirm the chaperone's presence at each and every examination and treatment of a patient by Respondent, in the patient's home, by placing the chaperone's name, title and date in the patient record for each and every visit, and by maintaining a separate log, kept in the chaperone's own possession, listing the patient name and date of visit for each and every patient visit chaperoned.
- d) Provide copies of the log described in paragraph c, above, to OPMC at least quarterly and also immediately upon the Director's request.

#### POLYGRAPH TESTING

Respondent shall have periodic polygraph tests every 6 months, commencing on August 21, 2014 (six months after the polygraph test administered in conjunction with the BMI evaluation), and every 6 months thereafter, or as determined by the Director, as an additional monitoring tool, to be conducted by a certified professional approved by the Director of OPMC. The Licensee shall provide any releases or consents with respect to confidentiality that the certified professional, the Board, or the Office of Professional Medical Conduct deem necessary:

- a. To permit the polygraph testing to proceed and the polygraph reports to issue and be provided directly to OPMC;
- b. To authorize the certified professional to provide OPMC, directly, with information about Licensee's compliance or noncompliance with this Order;
- c. To provide OPMC, directly, with the certified professional's complete documentation in support of his/her polygraph report, and to authorize the certified professional to testify or provide personnel to testify before the Board for Professional Medical Conduct, concerning all such matters.

Please contact Annette Palk, Supervising Medical Conduct Investigator, at 518-402-0845 should you have any questions. Thank you.

Respectfully,

REDACTED

Keith W. Servis  
Director  
Office of Professional Medical Conduct

Amy Kulb, Esq.  
Jackson, Goldberg & Kulb, LLP  
585 Stewart Avenue, Suite 720  
Garden City NY 11350